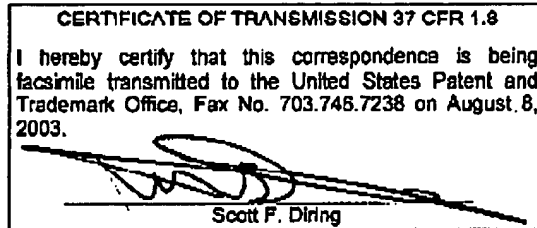


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m.h.
8-13-03

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:
MATTHEW S. RYSKOSKI

Serial No.: 10/021,676 ✓

Filed: 12/12/2001 ✓

For: METHOD AND APPARATUS FOR
SCHEDULING PRODUCTION LOTS
BASED ON LOT AND TOOL HEALTH
METRICS

Group Art Unit: 2125

Examiner: ALBERT WILLIAM PALADINI

Atty. Dkt. No.: 2000.08330/SFD

RESPONSE TO FINAL OFFICE ACTION DATED JUNE 27, 2003

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is submitted in response to the final Office Action dated June 27, 2003 for which the two-month date for response to secure an advisory action is August 27, 2003. It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Assistant Commissioner is authorized to deduct said fees from Advanced Micro Devices, Inc. Deposit Account No. 01-0365/TT4500.

Reconsideration of the application in view of the following amendments and remarks is respectfully requested.

Claims 1-41 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,456,894 (Nulman). Independent claims 1, 21, and 41 include the general feature of scheduling items based on determined item health metrics in view of determined tool health metrics. The Office Action maintains its assertion that Nulman teaches these features.

To the contrary Nulman does not teach scheduling based on a comparison between item quality and tool quality. The passages cited by the Office Action relate to scheduling based only on tool availability. Inherently tool health relates to a qualitative, relative measurement of a tool's efficacy. Simply determining if a tool is available does not provide a tool health measure. The claims include the feature of scheduling based on item health and tool health. Even if assuming *arguendo* that tool availability is a measure of tool health, it would be pointless to employ item health if the only tool health measure was a binary 1 or 0 value. The item health would then become irrelevant. The purpose of determining tool health and scheduling based on item and tool health is to distinguish between available tools. The construction proffered by the Office Action defeats this purpose and negates the determining of item health element of the claim. Hence, Nulman teaches away from Applicant's invention. Accordingly, claims 1-41 are allowable. Applicant respectfully requests the rejection of these claims be withdrawn.

The dependent claims also include other features, such as particular scheduling operations based on the comparison between item and tool health that are not taught or suggested by Nulman (e.g., claims 17-20, 37-40). Item and tool health cannot be meaningfully compared where the only tool information is availability. The Office Action does not include any specific citations to Nulman regarding these features to demonstrate how they are obvious. Applicant

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asserts that these claims are themselves allowable over Nulman. It is the Office's burden to establish *prima facie* that the claimed invention is obvious. By failing to point out with particularity how Nulman teaches the features of these claims, the Office has failed to meet its burden. Applicant respectfully requests the rejection of these claims be withdrawn or that specific passages be cited in Nulman that teach or suggest these additional features.

In view of the remarks set forth herein, the application is believed to be in condition for allowance and notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to contact the undersigned attorney with any questions, comments or suggestions relating to the referenced patent application.

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AUG 11 2003

WILLIAMS, MORGAN & AMERSON

Respectfully submitted,

Technology Center 2100

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FACSIMILE TRANSMITTAL SHEET**GROUP ART UNIT 2125**

DATE: AUGUST 8, 2003

TO: EXAMINER ALBERT W. PALADINI TOTAL NO. OF PAGES INCLUDING COVER: 4

FAX: 703.746.7238

FROM: SCOTT F. DIRING

PHONE: 608-833-0748

RE: RESPONSE TO OFFICE ACTION
DATED 6/27/03

FILE: 2000.083300/SFD

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☒ PLEASE REPLY ☒ PLEASE HANDLE

NOTES/COMMENTS:

RE: U.S. Patent Application Serial Number 10/021,676
"METHOD AND APPARATUS FOR SCHEDULING PRODUCTION LOTS
BASED ON LOT AND TOOL HEALTH METRICS"
Inventor(s): MATTHEW S. RYSKOSKI

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